

## **R E M A R K S**

This amendment is in response to the Office Action of February 18, 2005. The withdrawal of the rejections under 35 U.S.C. 103 and 35 U.S.C. 112 is noted with appreciation.

Claim 1 has been cancelled and replaced with new claim 6; claims 2 and 4 have been amended to depend from claim 6 rather than claim 1. New independent claims 7 and 9 have been added, and new dependent claim 8. Each of the independent claims now recites treatment for a relatively short period, suspension of treatment for a relatively long period during which pain diminishment continues, then repeating the first two steps as needed for pain diminishment. These amendments find support in the specification at paragraph 4, lines 4-5.


It is respectfully submitted that the claims as amended are novel over the cited U.S. 5,063,060. The cited reference does not contemplate that civamide administered over a relatively short period could provide pain diminishment over a relatively long period during which the civamide is not administered to the patient. Therefore, the reference does not teach the method steps of stopping the administration for a relatively long period and then resuming the treatment for another relatively short period. The step of resuming administration of civamide for a relatively short period after the relatively long period in which civamide is not applied is now recited in each of the independent claims 6, 7, and 8. Accordingly, because each of these claims now includes a step not taught or suggested by the prior art, the present claims are patentable over the art of record.

Appln. No. 10/686,797  
Prel. Amend. dated June 6, 2005  
Reply to Advisory Action of May 24, 2005

The Commissioner is hereby authorized to charge any fee associated with this filing to  
Deposit Account No. 10-1202.

In view of the foregoing, a notice of allowance is respectfully requested.

Respectfully submitted,



Sandra B. Weiss  
Reg. No. 30,814  
JONES DAY  
77 West Wacker  
Chicago, Illinois 60601-1692  
(312) 782-3939